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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/677,907   | 10/01/2003  | Masami Shimizu       | 1232-5171           | 9386             |
| 27123  | 7590        | 05/26/2006           |                     | EXAMINER         |
| MORGAN & FINNEGAN, L.L.P.<br>3 WORLD FINANCIAL CENTER<br>NEW YORK, NY 10281-2101 |             |                      |                     | WHIPKEY, JASON T |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2622                |                  |

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/677,907             | SHIMIZU, MASAMI     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Jason T. Whipkey       | 2622                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-27 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. A substitute specification excluding the claims is required pursuant to 37 CFR 1.125(a) because it has a large number of typographical errors. Specifically, many of the pages have words on the last few lines that are missing the letter "E" — for example, "lossless-compress d" (page 3, line 26), "sel ction button; and 28, an erasure button. R ferenc " (page 8, line 27), and "param ters for display ar set up, the brightn ss, color saturation and so on ar displayed bas d on th " (page 19, lines 26-27).

A substitute specification must not contain new matter. The substitute specification must be submitted with markings showing all the changes relative to the immediate prior version of the specification of record. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. An accompanying clean version (without markings) and a statement that the substitute specification contains no new matter must also be supplied. Numbering the paragraphs of the specification of record is not considered a change that must be shown.

***Claim Objections***

2. Claims 4, 14, and 26 are objected to because of the following informalities:

- In claim 4 on line 2, it is believed that “furth r” should read -- further --.
- In claim 14 on line 13, it is believed that “dev loping” should read -- developing --.
- In claim 26 on line 1, it is believed that “readabl ” should read -- readable --.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 9, 10, 16, 17, 19, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 6, 19, and 21 recite the limitations “said first processing condition” and “said second processing condition” on lines 2-4. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it recites, “first developing condition” and “second developing condition”, respectively.

Claim 9 recites the limitation “second processing condition” on lines 2-3. There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it recites, “second developing condition”.

Claim 16 recites the limitation “said first or second processing condition” on lines 3-4.

There is insufficient antecedent basis for this limitation in the claim. For examination purposes, the claim will be treated as if it recites, “said first or second developing condition”.

Claims 10 and 17 are rejected because they are dependent upon claims 9 and 16, respectively.

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 14-21, 24, 25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski (U.S. Patent No. 6,539,177).

Regarding **claim 14**, Parulski discloses an image processing apparatus for processing complex data (see figures 31a-31c) including at least first image data (a verification image produced at step 208), second image data of which data amount is less than said first image data (the verification image is shown on the camera’s display [step 220], whereby data is omitted in the case that the camera has a small screen; see column 12, lines 1-7), and a first developing

condition (the revision suggestion set produced in step 214; see column 27, lines 25-32) for said first image data, said apparatus comprising:

a setting unit (look-up table 136) that sets a second developing condition for said first image data (the camera generates a plurality of revision suggestion sets; see column 27, lines 46-60);

a generation unit (image processor 106) that generates third image data by reflecting said second developing condition on said first image data, and then reducing its data amount (as described above and shown in step 228, a new image implementing each revision suggestion set is rendered, which involves reducing the amount of data in order to display the image on the screen); and

an update unit (controller 81) that updates said complex data with said second developing condition (metadata instructions representing the image modifications are stored; see column 43, lines 17-36).

Regarding **claim 15**, Parulski discloses:

a display unit (image display 26) that displays said second image data (see step 220 described above); and

a display update (image display driver 102) unit that replaces said second image data with said third image data to be displayed on said display unit (see step 228 described above).

Regarding **claim 16**, Parulski discloses:

a developing unit (image processor 106) that develops said first image data based on said first or second developing condition (see step 228 described above).

Regarding **claim 17**, Parulski discloses:

an output unit (image processor 106) that outputs said first image data developed by said developing unit (the original-resolution, unmodified image data can be stored in memory; see column 43, lines 23-26).

Regarding **claim 18**, Parulski discloses:

said update unit replaces said second image data with said third image data (as described above and shown in step 228, a new image implementing each revision suggestion set is rendered, which involves reducing the amount of data in order to display the image on the screen; see column 27, lines 40-45).

Regarding **claim 19**, Parulski discloses:

said update unit replaces said first developing condition with said second developing condition (see *id.*).

Regarding **claim 20**, Parulski discloses:

said update unit adds said third image data to said complex data (it is inherent that some sort of memory is used to hold an image; therefore, when the third image is generated and displayed, it is stored, as the first image data is).

Regarding **claim 21**, Parulski discloses:

said update unit adds said second developing condition to said complex data apart from said first developing condition (metadata instructions representing

the selected image modifications are stored independently; see column 43, lines 17-36).

Regarding **claim 24**, Parulski discloses that images are stored in JPEG format (see column 44, lines 3-9), which is inherently lossy.

Regarding **claim 25**, Parulski shows in Figure 4 that the device is a digital camera.

**Claim 27** may be treated like claim 14. Additionally, Parulski discloses a controller 81 that runs instructions stored in memory 54 (see column 11, lines 19-31).

#### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-11, 13, 22, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 6,539,177).

Regarding **claim 1**, Parulski discloses an image processing method (see figures 31a-31c) for processing complex data including at least first image data (a verification image produced at step 208), second image data of which data amount is less than said first image data (the verification image is shown on the camera's display [step 220], whereby data is omitted in the case that the camera has a small screen; see column 12, lines 1-7), and a first developing

condition (the revision suggestion set produced in step 214; see column 27, lines 25-32) for said first image data, said method comprising:

setting a second developing condition for said first image data (the camera generates a plurality of revision suggestion sets; see column 27, lines 46-60);  
generating third image data obtained by reflecting said second developing condition on said first image data, and then reducing its data amount (as described above and shown in step 228, a new image implementing each revision suggestion set is rendered, which involves reducing the amount of data in order to display the image on the screen; see column 27, lines 40-45); and  
updating said complex data with said second developing condition (metadata instructions representing the image modifications are stored; see column 43, lines 17-36).

Parulski is silent with regard to storing third image data.

Official Notice is taken that it is well known to store a reduced-size image with a full-resolution image. An advantage of doing so is that a quick preview of the image may be displayed on a camera, thereby avoiding the relatively lengthy process of loading and processing the full-sized image for display. For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Parulski's camera store the reduced-resolution image it produces.

Regarding **claim 2**, Parulski discloses:

displaying said second image data (see step 220 described above); and  
displaying said third image data in place of said second image data (see step 228  
described above).

Regarding **claim 3**, Parulski discloses:

developing said first image data based on said first or second developing  
condition (see step 228 described above).

Regarding **claim 4**, Parulski discloses:

outputting said developed first image data (the original-resolution,  
unmodified image data can be stored; see column 43, lines 23-26).

Regarding **claim 5**, Parulski discloses:

in said updating, said second image data is replaced by said third image  
data (as described above and shown in step 228, a new image implementing each  
revision suggestion set is rendered, which involves reducing the amount of data in  
order to display the image on the screen; see column 27, lines 40-45).

Regarding **claim 6**, Parulski discloses:

in said updating, said first developing condition is replaced by said second  
developing condition (see *id.*).

Regarding **claim 7**, Parulski discloses:

in said updating, said third image data is added to said complex data (it is  
inherent that some sort of memory is used to hold an image; therefore, when the  
third image is generated and displayed, it is stored, as the first image data is).

Regarding **claim 8**, Parulski is silent with regard to displaying a list a plurality of images of which data amounts are respectively less than that of the first image data included in said complex data.

Official Notice is taken that it is well known to display a list showing low-resolution images on a screen. An advantage of doing so is that a user can preview a number of images without individually viewing them, thereby resulting in rapid access to a desired image.

Regarding **claim 9**, Parulski discloses:

in said updating, said second developing condition is added to said complex data (metadata instructions representing the selected image modifications are stored; see column 43, lines 17-36).

Regarding **claim 10**, Parulski is silent with regard to displaying a list of a plurality of developing conditions included in said complex data. Parulski does, however, disclose displaying one image and allowing a user to flip to others with different developing conditions (see column 27, lines 40-45).

Official Notice is taken that it is well known to display a number of images on a screen. An advantage of doing so is that a user can preview a number of images without individually viewing them, thereby resulting in rapid access to a desired image.

**Claims 11 and 22** may be treated like claims 1 and 14, respectively. However, Parulski is silent with regard to the first image data being non-compressed image data.

Official Notice is taken that it is well known to store images in a non-compressed format. An advantage of doing so is that time need not be spent on compression and decompression. For

this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Parulski's camera store the first image data as non-compressed data.

Regarding **claim 13**, Parulski discloses that images are stored in JPEG format (see column 44, lines 3-9), which is inherently lossy.

**Claim 26** may be treated like claim 1. Additionally, Parulski discloses a controller 81 that runs instructions stored in memory 54 (see column 11, lines 19-31).

8. Claims 12 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski (U.S. Patent No. 6,539,177) in view of Chung (U.S. Patent Application Publication No. 2004/0201714).

**Claims 12 and 23** may be treated like claims 1 and 14, respectively. However, Parulski is silent with regard to storing lossless-compressed image data.

Chung discloses a digital camera that stores data using a lossless compression algorithm (see paragraph 23). As stated in paragraph 23, an advantage of using such an algorithm is that "the initial data may be completely and identically restored to a corresponding decompression algorithm". For this reason, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have Parulski's camera perform lossless compression prior to image storage.

***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz, can be reached at (571) 272-7593. The fax phone number for the organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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May 15, 2006

  
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